

Case Information

DC-22-05235 | JERRY HARPER vs. IRVING CLUB ACQUISITION CORP. , et al

Case Number

DC-22-05235

File Date

05/17/2022

Court

95th District Court

Case Type

PROPERTY

Judicial Officer

PURDY, MONICA

Case Status

OPEN

Party

PLAINTIFF

HARPER, JERRY

Address

460 SHANWOOD DRIVE
MARKSVILLE LA 71351

Active Attorneys ▼

Lead Attorney
CLEMENT, TODD
Retained

DEFENDANT

IRVING CLUB ACQUISITION CORP.

Aliases

DBA LAS COLINAS COUNTRY CLUB

Address

SERVING REGISTERED AGENT, CORPORATION SERVICE COMPANY
211 E. 7TH STREET SUITE 620
AUSTIN TX 78701

Active Attorneys ▼

Lead Attorney
TOLES, WILLIAM M.
Retained

DEFENDANT

CLUBCORP, INC.

Address

3030 LYNDON B JOHNSON FWY, STE 400
DALLAS TX 75234

Active Attorneys ▼

Lead Attorney
TOLES, WILLIAM M.
Retained

EXHIBIT

2a

exhibitstickr.com

Events and Hearings

| |
|---|
| 05/17/2022 NEW CASE FILED (OCA) - CIVIL |
| 05/17/2022 ORIGINAL PETITION ▼ ORIGINAL PETITION |
| 05/17/2022 CORRESPONDENCE - LETTER TO FILE ▼ LETTER |
| 05/17/2022 ISSUE CITATION ▼ ISSUE CITATION - 2. CLUBCORP, INC. ISSUE CITATION - 1. IRVING CLUB ACQUISITION CORP. |
| 06/01/2022 CITATION ▼ Served 06/03/2022 Anticipated Server ESERVE Anticipated Method Actual Server OUT OF COUNTY Returned 06/09/2022 Comment IRVING CLUB ACQUISITION CORP D/B/A LAS COLINAS COUNTRY CLUB |
| 06/01/2022 CITATION ▼ Served 06/03/2022 Anticipated Server ESERVE Anticipated Method Actual Server OUT OF COUNTY |

Returned

06/09/2022

Comment

CLUBCORP, INC. D/B/A LAS COLINAS COUNTRY CLUB

06/09/2022 RETURN OF SERVICE ▼

EXECUTED CITATION - CLUBCORP INC

Comment

EXECUTED CITATION - CLUBCORP INC

06/09/2022 RETURN OF SERVICE ▼

EXECUTED CITATION - IRVING CLUB ACQUISITION CORP

Comment

EXECUTED CITATION - IRVING CLUB ACQUISITION CORP

06/27/2022 ORIGINAL ANSWER - GENERAL DENIAL ▼

ORIGINAL ANSWER

06/27/2022 ORIGINAL ANSWER - GENERAL DENIAL ▼

ORIGINAL ANSWER

07/04/2022 TRIAL SETTING (NON JURY) ▼

Comment

Trial Notice and SDO e-mailed to counsel.

08/28/2023 Non Jury Trial ▼

95TH Non Jury Trial Notice

Judicial Officer

PURDY, MONICA

Hearing Time

9:00 AM

Comment

L3

Documents

ORIGINAL PETITION

LETTER

ISSUE CITATION - 2. CLUBCORP, INC.

ISSUE CITATION - 1. IRVING CLUB ACQUISITION CORP.

EXECUTED CITATION - CLUBCORP INC

EXECUTED CITATION - IRVING CLUB ACQUISITION CORP

ORIGINAL ANSWER

ORIGINAL ANSWER

95TH Non Jury Trial Notice

CAUSE NO. DC-22-05235

| | | |
|--------------------------------------|---|--------------------------------|
| JERRY HARPER, | § | IN THE DISTRICT COURT |
| | § | |
| Plaintiff, | § | |
| | § | |
| VS. | § | DALLAS COUNTY, TEXAS |
| | § | |
| IRVING CLUB ACQUISITION CORP. | § | |
| D/B/A LAS COLINAS COUNTRY | § | |
| CLUB AND CLUBCORP, INC., | § | |
| | § | |
| Defendants. | § | 95th |
| | | _____ JUDICIAL DISTRICT |

PLAINTIFF'S ORIGINAL PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW JERRY HARPER, Plaintiff, complaining of IRVING CLUB ACQUISITION CORP. D/B/A LAS COLINAS COUNTRY CLUB AND CLUBCORP, INC., Defendants, and for cause of action would respectfully show unto the Court and jury the following:

1. RULE 190 DISCOVERY PLAN

1.1 Damages in this case exceed \$50,000 and it is complex. Accordingly, this case is intended to be conducted under Level 3 of Rule 190.

2. RULE 47 PLEADING

2.1 As required by Rule 47, Texas Rules of Civil Procedure, the damages sought are within the jurisdictional limits of the Court and Plaintiff seeks monetary relief over \$250,000 but not more than \$1,000,000 plus a judgment for all other relief to which Plaintiff is entitled. The amount of monetary relief actually awarded, however, will ultimately be determined by a jury.

3. PARTIES/SERVICE OF PROCESS

- 3.1 Plaintiff JERRY HARPER resides at 460 Shanwood Drive, Marksville, LA 71351. The last three numbers of JERRY HARPER'S driver's license are 679 and the last three numbers of his social security number are 079.
- 3.2 Defendant IRVING CLUB ACQUISITION CORP D/B/A LAS COLINAS COUNTRY CLUB is a Texas corporation which may be served through its registered agent for process, Corporation Service Company DBA CSC – Lawyers Inco, 211 E. 7th Street Suite 620, Austin, Texas 78701.
- 3.3 Defendant CLUBCORP, INC. D/B/A LAS COLINAS COUNTRY CLUB is a Delaware corporation which engages in business in the State of Texas and has its principal place of business located at 3030 Lyndon B Johnson Fwy, Ste 400, Dallas, Texas 75234. CLUBCORP, INC. may be served through its registered agent for process, Corporation Service Company DBA CSC – Lawyers Inco, 211 E. 7th Street Suite 620, Austin, Texas 78701.

4. VENUE

- 4.1 The incident forming the basis of this suit occurred in Dallas County and CLUBCORP, INC. principal office is in the State of Texas and is located at 3030 Lyndon B Johnson Fwy, Ste 400, Dallas, Dallas County, Texas 75234. Accordingly, venue is proper in Dallas County pursuant the Texas Civil Practices and Remedies Code.

5. FACTS

- 5.1 On or about November 13, 2020, JERRY HARPER joined his son, Todd Harper, along with five other men for a golf weekend at the Las Colinas Country Club in

Irving, Texas which was owned, managed and/or operated by Defendants. Todd Harper was in a foursome ahead of JERRY HARPER, who only had three in his group, so LAS COLINAS COUNTRY CLUB put a golf pro named Chad with them to make a foursome. After both groups completed hole #9, they stopped for a restroom break. Todd's group stopped first. When Todd walked into the restroom, he noticed standing water on the floor. Todd warned a friend of his to look down as he almost slipped walking in as they were talking. An attendant who was presumably an employee of IRVING CLUB ACQUISITION CORP. D/B/A LAS COLINAS COUNTRY CLUB and CLUBCORP, INC. was present in the restroom and was obviously aware of the standing water and the danger of slipping and falling that it presented. No warning signs were present.

- 5.2 Shortly after Todd Harper left the restroom and resumed play, JERRY HARPER and his group stopped at the same hole to use the restroom. As JERRY HARPER entered the restroom with Chad, Jerry Harper did not see the water on the floor, slipped on it and fell to the floor with great force hitting his knee and injuring his knee and back (hereinafter the "Fall"). Defendants' manager named David Rems responded to the Fall, completed an incident report, and offered JERRY HARPER Percocet. Following the Fall, signs and mats were belatedly used.

6. CAUSES OF ACTION

- 6.1 Defendant IRVING CLUB ACQUISITION CORP. D/B/A LAS COLINAS COUNTRY CLUB'S negligence was the proximate cause of the Fall and JERRY HARPER'S injuries and damages. It's wet floor posed an unreasonable risk of harm, IRVING CLUB ACQUISITION CORP. D/B/A LAS COLINAS COUNTRY CLUB knew or reasonably should have known of the danger due to

its attendant being present, and IRVING CLUB ACQUISITION CORP. D/B/A LAS COLINAS COUNTRY CLUB failed to exercise ordinary care to protect JERRY HARPER from the danger by both failing to adequately warn JERRY HARPER of the condition and failing to make that condition reasonably safe. IRVING CLUB ACQUISITION CORP. D/B/A LAS COLINAS COUNTRY CLUB is liable for the negligent acts and omissions of its employees under *respondeat superior*.

6.2 Defendant CLUBCORP, INC. D/B/A LAS COLINAS COUNTRY CLUB'S negligence was the proximate cause of the Fall and JERRY HARPER'S injuries and damages. The wet floor posed an unreasonable risk of harm, CLUBCORP, INC. D/B/A LAS COLINAS COUNTRY CLUB knew or reasonably should have known of the danger due to its attendant being present, and CLUBCORP, INC. D/B/A LAS COLINAS COUNTRY CLUB failed to exercise ordinary care to protect JERRY HARPER from the danger by both failing to adequately warn JERRY HARPER of the condition and failing to make that condition reasonably safe. CLUBCORP, INC. D/B/A LAS COLINAS COUNTRY CLUB is liable for the negligent acts and omissions of its employees under *respondeat superior*.

7. DAMAGES

- 7.1 As a result of the Fall, JERRY HARPER suffered damages in the form of past and future:
- a. Pain and mental anguish;
 - b. Physical impairment and
 - c. Disfigurement.

8. PREJUDGMENT AND POSTJUDGMENT INTEREST

8.1 Plaintiff hereby prays for prejudgment and postjudgment interest in the maximum amount allowed by law on the damages awarded by the jury.

9. JURISDICTION

9.1 Plaintiff's damages exceed the minimum jurisdictional limits of the Court.

10. JURY DEMAND

10.1 Plaintiff respectfully requests that a jury be convened to try the factual issues of this case.

11. DOCUMENTS TO BE USED

11.1 Pursuant to Tex. R. Civ. P. 193.3(d) and 193.7, Plaintiff gives notice that they intend to use all documents exchanged and produced between the parties and/or made exhibits in depositions including, but not limited to, correspondence, disclosures, and discovery responses, during the trial of the above entitled and numbered cause.

WHEREFORE, PREMISES CONSIDERED, Plaintiff JERRY HARPER prays that Defendants IRVING CLUB ACQUISITION CORP. D/B/A LAS COLINAS COUNTRY CLUB and CLUBCORP, INC. D/B/A LAS COLINAS COUNTRY CLUB be cited to appear and answer herein, and that upon final hearing hereof, Plaintiff receive judgment of and from the Defendants, in the amounts as determined by the Court and Jury, for prejudgment and post-judgment interest at the legal rate, costs of court and for such other and further relief, at law and in equity, to which Plaintiff may show himself justly entitled and for which he will ever pray.

Respectfully submitted,

CLEMENT + SPEER

17855 Dallas Parkway, Suite 155

Dallas, Texas 75287

TEL: 972/250-9250

FAX: 972/535-6358

By: /s/ Todd Clement

TODD CLEMENT

State Bar No. 04361525

todd@clementspeer.com

RAGAN N. SPEER

State Bar No. 24072361

ragan@clementspeer.com

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Essie Slaughter on behalf of Todd Clement
Bar No. 04361525
essie@clementspeer.com
Envelope ID: 64567183
Status as of 5/20/2022 9:40 AM CST

Associated Case Party: JERRY HARPER

| Name | BarNumber | Email | TimestampSubmitted | Status |
|-----------------|-----------|------------------------|-----------------------|--------|
| Todd Clement | | todd@clementspeer.com | 5/17/2022 10:55:52 AM | SENT |
| Ragan Speer | | ragan@clementspeer.com | 5/17/2022 10:55:52 AM | SENT |
| Essie Slaughter | | essie@clementspeer.com | 5/17/2022 10:55:52 AM | SENT |

CLEMENT + SPEER

Todd Clement
todd@clementspeer.com
(972) 535-6272 (Direct)

Ragan N. Speer
ragan@clementspeer.com
(972) 535-6233 (Direct)

May 17, 2022

Via e-Serve

Civil District Clerk
Dallas County District Clerk
George L. Allen Sr. Courts Building
600 Commerce St.
Dallas, Texas 75202

95th

Re: *Jerry Harper v. Irving Club Acquisition Corp. D/B/A Las Colinas Country Club and Clubcorp, Inc.*

Dear Clerk:

We have filed Plaintiffs' Original Petition in the above-referenced matter.

Please issue citation(s) to the following Defendant(s):

1. **Defendant IRVING CLUB ACQUISITION CORP D/B/A LAS COLINAS COUNTRY CLUB** may be served with process through its registered agent for process, **Corporation Service Company DBA CSC – Lawyers Inco, 211 E. 7th Street Suite 620, Austin, Texas 78701.**
2. **Defendant CLUBCORP, INC. D/B/A LAS COLINAS COUNTRY CLUB** may be served at with process through its registered agent for process, **Corporation Service Company DBA CSC – Lawyers Inco, 211 E. 7th Street Suite 620, Austin, Texas 78701.**

Kindly advise when the citation has been issued and uploaded to the Court's eFiling system, as we will serve by private process.

If you have any questions, please feel free to call me at (972) 616-4016 or e-mail me at essie@clementspeer.com.

Very truly yours,

CLEMENT + SPEER

Essie B. Slaughter
Board Certified Paralegal, TBLS
Paralegal to Todd Clement

/ebs
Enclosures

Automated Certificate of eService

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Essie Slaughter on behalf of Todd Clement
Bar No. 04361525
essie@clementspeer.com
Envelope ID: 64567183
Status as of 5/20/2022 9:40 AM CST

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| Name | BarNumber | Email | TimestampSubmitted | Status |
|-----------------|-----------|------------------------|-----------------------|--------|
| Ragan Speer | | ragan@clementspeer.com | 5/17/2022 10:55:52 AM | SENT |
| Essie Slaughter | | essie@clementspeer.com | 5/17/2022 10:55:52 AM | SENT |
| Todd Clement | | todd@clementspeer.com | 5/17/2022 10:55:52 AM | SENT |

**FORM NO. 353-3 - CITATION
THE STATE OF TEXAS**

**To: CLUBCORP, INC. D/B/A LAS COLINAS COUNTRY CLUB
BY SERVING ITS REGISTERED AGENT, CORPORATION SERVICE COMPANY
D/B/A CSC-LAWYERS INCO.
211 E. 7TH STREET, SUITE 620
AUSTIN, TEXAS 78701**

GREETINGS:

You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10 o'clock a.m. of the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org. Your answer should be addressed to the clerk of the **95th District Court** at 600 Commerce Street, Ste. 101, Dallas, Texas 75202.

Said Plaintiff being **JERRY HARPER**

Filed in said Court **17th day of May, 2022** against

**IRVING CLUB ACQUISITION CORP. D/B/A LAS COLINAS COUNTRY CLUB & CLUBCORP,
INC. D/B/A LAS COLINAS COUNTRY CLUB**

For Suit, said suit being numbered **DC-22-05235**, the nature of which demand is as follows:
Suit on **PROPERTY** etc. as shown on said petition, a copy of which accompanies this citation.
If this citation is not served, it shall be returned unexecuted.

WITNESS: FELICIA PITRE, Clerk of the District Courts of Dallas, County Texas.
Given under my hand and the Seal of said Court at office this 1st day of June, 2022.

ATTEST: FELICIA PITRE, Clerk of the District Courts of Dallas, County, Texas

By _____, Deputy
ANGELA CONEJO



ESERVE

CITATION

DC-22-05235

JERRY HARPER

vs.

**IRVING CLUB
ACQUISITION CORP., et al**

**ISSUED THIS
1st day of June, 2022**

**FELICIA PITRE
Clerk District Courts,
Dallas County, Texas**

By: ANGELA CONEJO, Deputy

**Attorney for Plaintiff
TODD CLEMENT**

**CLEMENT + SPEER
17855 DALLAS PKWY., SUITE 155
DALLAS, TEXAS 75287
972-250-9250**

todd@clementspeer.com

**DALLAS COUNTY
SERVICE FEES
NOT PAID**

EXHIBIT

2d

exhibitmaker.com

OFFICER'S RETURN

Case No. : DC-22-05235

Court No.95th District Court

Style: JERRY HARPER

vs.

IRVING CLUB ACQUISITION CORP., et al

Came to hand on the _____ day of _____, 20_____, at _____ o'clock _____ .M. Executed at _____,
within the County of _____ at _____ o'clock _____ .M. on the _____ day of _____,
20_____, by delivering to the within named _____

each in person, a true copy of this Citation together with the accompanying copy of this pleading, having first endorsed on same date of delivery. The distance actually traveled by
me in serving such process was _____ miles and my fees are as follows: To certify which witness my hand.

For serving Citation \$ _____

For mileage \$ _____ of _____ County, _____

For Notary \$ _____ By _____ Deputy

(Must be verified if served outside the State of Texas.)

Signed and sworn to by the said _____ before me this _____ day of _____, 20_____,

to certify which witness my hand and seal of office.

Notary Public _____ County _____

**FORM NO. 353-3 - CITATION
THE STATE OF TEXAS**

**To: IRVING CLUB ACQUISITION CORP. D/B/A LAS COLINAS COUNTRY CLUB
BY SERVING ITS REGISTERED AGENT, CORPORATION SERVICE COMPANY
D/B/A CSC-LAWYERS INCO.
211 E. 7TH STREET, SUITE 620
AUSTIN, TEXAS 78701**

GREETINGS:

You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10 o'clock a.m. of the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org. Your answer should be addressed to the clerk of the **95th District Court** at 600 Commerce Street, Ste. 101, Dallas, Texas 75202.

Said Plaintiff being **JERRY HARPER**

Filed in said Court **17th day of May, 2022** against

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INC. D/B/A LAS COLINAS COUNTRY CLUB**

For Suit, said suit being numbered **DC-22-05235**, the nature of which demand is as follows:
Suit on **PROPERTY** etc. as shown on said petition, a copy of which accompanies this citation.
If this citation is not served, it shall be returned unexecuted.

WITNESS: FELICIA PITRE, Clerk of the District Courts of Dallas, County Texas.
Given under my hand and the Seal of said Court at office this 1st day of June, 2022.

ATTEST: FELICIA PITRE, Clerk of the District Courts of Dallas, County, Texas

By _____, Deputy
ANGELA CONEJO



ESERVE

CITATION

DC-22-05235

JERRY HARPER

vs.

**IRVING CLUB
ACQUISITION CORP., et al**

**ISSUED THIS
1st day of June, 2022**

**FELICIA PITRE
Clerk District Courts,
Dallas County, Texas**

By: ANGELA CONEJO, Deputy

**Attorney for Plaintiff
TODD CLEMENT**

**CLEMENT + SPEER
17855 DALLAS PKWY., SUITE 155
DALLAS, TEXAS 75287
972-250-9250**

todd@clementspeer.com

**DALLAS COUNTY
SERVICE FEES
NOT PAID**

EXHIBIT

2e

exhibitster.com

OFFICER'S RETURN

Case No. : DC-22-05235

Court No.95th District Court

Style: JERRY HARPER

vs.

IRVING CLUB ACQUISITION CORP., et al

Came to hand on the _____ day of _____, 20_____, at _____ o'clock _____ .M. Executed at _____,
within the County of _____ at _____ o'clock _____ .M. on the _____ day of _____,
20_____, by delivering to the within named _____

each in person, a true copy of this Citation together with the accompanying copy of this pleading, having first endorsed on same date of delivery. The distance actually traveled by
me in serving such process was _____ miles and my fees are as follows: To certify which witness my hand.

For serving Citation \$ _____

For mileage \$ _____ of _____ County, _____

For Notary \$ _____ By _____ Deputy

(Must be verified if served outside the State of Texas.)

Signed and sworn to by the said _____ before me this _____ day of _____, 20_____,

to certify which witness my hand and seal of office.

Notary Public _____ County _____

**FORM NO. 353-3 - CITATION
THE STATE OF TEXAS**

To: **CLUBCORP, INC. D/B/A LAS COLINAS COUNTRY CLUB**
BY SERVING ITS REGISTERED AGENT, CORPORATION SERVICE COMPANY
D/B/A CSC-LAWYERS INCO.
211 E. 7TH STREET, SUITE 620
AUSTIN, TEXAS 78701

GREETINGS:

You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10 o'clock a.m. of the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org. Your answer should be addressed to the clerk of the **95th District Court** at 600 Commerce Street, Ste. 101, Dallas, Texas 75202.

Said Plaintiff being **JERRY HARPER**

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WITNESS: FELICIA PITRE, Clerk of the District Courts of Dallas, County Texas.
 Given under my hand and the Seal of said Court at office this 1st day of June, 2022.

ATTEST: FELICIA PITRE, Clerk of the District Courts of Dallas, County, Texas

By ANGELA CONEJO, Deputy



EXHIBIT

2f

ESERVE

CITATION

DC-22-05235

JERRY HARPER

vs.

**IRVING CLUB
ACQUISITION CORP., et al**

**ISSUED THIS
1st day of June, 2022**

**FELICIA PITRE
Clerk District Courts,
Dallas County, Texas**

By: ANGELA CONEJO, Deputy

**Attorney for Plaintiff
TODD CLEMENT**

**CLEMENT + SPEER
17855 DALLAS PKWY., SUITE 155
DALLAS, TEXAS 75287
972-250-9250**

todd@clementspeer.com

**DALLAS COUNTY
SERVICE FEES
NOT PAID**

CTH. 6/3/22 + SAM

IN THE 95TH JUDICIAL DISTRICT
DALLAS COUNTY, TEXAS

CAUSE NO: DC-22-05235

JERRY HARPER
VS
IRVING CLUB ACQUISITION CORP, ET AL

RETURN

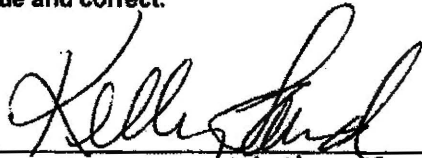
Came to my hand: 6/3/2022 , at 08:00 o'clock A.M. , the following specified documents:

- Citation
- Plaintiff's Original Petition

and executed by me on: 6/3/2022 , at 3:13 o'clock P.M. , at

211 E. 7TH STREET, SUITE 620, AUSTIN, TX 78701, within the county of TRAVIS, by delivering to CLUB CORP, INC., dba LAS COLINAS COUNTRY CLUB, by delivering to its registered agent, CORPORATION SERVICE COMPANY dba CSC-LAWYERS INCORPORATING SERVICE COMPANY, by delivering to KANEISHA GROSS, employee/managing agent, in person, a true copy of the above specified documents having first endorsed on such copy the date of delivery.

I am over the age of 18, not a party to nor interested in the outcome of the above numbered suit, and I declare under penalty of perjury that the foregoing is true and correct.

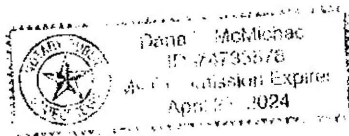

Authorized Person: Kelly Land - PSC 5912
Expiration Date: 10/31/2022

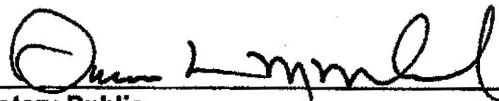
STATE OF TEXAS }

VERIFICATION

Before me, a notary public, on this day personally appeared the above named Authorized person, known to me to be the person whose name is subscribed to the foregoing document and, being by me first duly sworn, declared that the statements and facts therein contained are within his/her personal knowledge and experience to be true and correct. Given under my hand and seal of office on this the 3rd day of

JUNE 2022.




Notary Public

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Envelope ID: 65286378

Status as of 6/10/2022 1:14 PM CST

Associated Case Party: JERRY HARPER

| Name | BarNumber | Email | TimestampSubmitted | Status |
|-----------------|-----------|------------------------|----------------------|--------|
| Todd Clement | | todd@clementspeer.com | 6/9/2022 11:51:42 AM | SENT |
| Ragan Speer | | ragan@clementspeer.com | 6/9/2022 11:51:42 AM | SENT |
| Essie Slaughter | | essie@clementspeer.com | 6/9/2022 11:51:42 AM | SENT |

**FORM NO. 353-3 - CITATION
THE STATE OF TEXAS**

To: **IRVING CLUB ACQUISITION CORP. D/B/A LAS COLINAS COUNTRY CLUB
BY SERVING ITS REGISTERED AGENT, CORPORATION SERVICE COMPANY
D/B/A CSC-LAWYERS INCO.
211 E. 7TH STREET, SUITE 620
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Said Plaintiff being **JERRY HARPER**

Filed in said Court **17th day of May, 2022** against

**IRVING CLUB ACQUISITION CORP. D/B/A LAS COLINAS COUNTRY CLUB & CLUBCORP.
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For Suit, said suit being numbered **DC-22-05235**, the nature of which demand is as follows:
Suit on **PROPERTY** etc. as shown on said petition, a copy of which accompanies this citation.
If this citation is not served, it shall be returned unexecuted.

WITNESS: FELICIA PITRE, Clerk of the District Courts of Dallas, County Texas.
Given under my hand and the Seal of said Court at office this 1st day of June, 2022.

ATTEST: FELICIA PITRE, Clerk of the District Courts of Dallas, County, Texas

By _____

ANGELA CONEJO

, Deputy



ESERVE

CITATION

DC-22-05235

JERRY HARPER

vs.

**IRVING CLUB
ACQUISITION CORP., et al**

ISSUED THIS

1st day of June, 2022

FELICIA PITRE

Clerk District Courts,
Dallas County, Texas

By: ANGELA CONEJO, Deputy

**Attorney for Plaintiff
TODD CLEMENT**

CLEMENT + SPEER
17855 DALLAS PKWY., SUITE 155
DALLAS, TEXAS 75287
972-250-9250

todd@clementspeer.com

**DALLAS COUNTY
SERVICE FEES
NOT PAID**

EXHIBIT

2g

exhibitclerk.com

IN THE 95TH JUDICIAL DISTRICT
DALLAS COUNTY, TEXAS

CAUSE NO: DC-22-05235

JERRY HARPER
VS
IRVING CLUB ACQUISITION CORP, ET AL

RETURN

Came to my hand: 6/3/2022 , at 08:00 o'clock A.M. , the following specified documents:

- Citation
- Plaintiff's Original Petition

and executed by me on: 6/3/2022 , at 3:13 o'clock P.M. , at

211 E. 7TH STREET, SUITE 620, AUSTIN, TX 78701, within the county of TRAVIS, by delivering to IRVING CLUB ACQUISITION CORP., dba LAS COLINAS COUNTRY CLUB, by delivering to its registered agent, CORPORATION SERVICE COMPANY dba CSC-LAWYERS INCORPORATING SERVICE COMPANY, by delivering to employee/ managing agent, KAEISHA GROSS , in person, a true copy of the above specified documents having first endorsed on such copy the date of delivery.

I am over the age of 18, not a party to nor interested in the outcome of the above numbered suit, and I declare under penalty of perjury that the foregoing is true and correct.

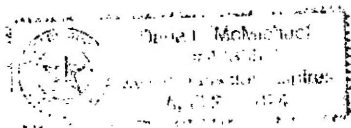
Authorized Person: Kelly Land, PSC5912
Expiration Date: 10/31/2022

STATE OF TEXAS }

VERIFICATION

Before me, a notary public, on this day personally appeared the above named Authorized person, known to me to be the person whose name is subscribed to the foregoing document and, being by me first duly sworn, declared that the statements and facts therein contained are within his/her personal knowledge and experience to be true and correct. Given under my hand and seal of office on this the 3rd day of

JUNE, 2022


Notary Public

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Envelope ID: 65286479

Status as of 6/10/2022 1:16 PM CST

Associated Case Party: JERRY HARPER

| Name | BarNumber | Email | TimestampSubmitted | Status |
|-----------------|-----------|------------------------|----------------------|--------|
| Todd Clement | | todd@clementspeer.com | 6/9/2022 11:53:11 AM | SENT |
| Ragan Speer | | ragan@clementspeer.com | 6/9/2022 11:53:11 AM | SENT |
| Essie Slaughter | | essie@clementspeer.com | 6/9/2022 11:53:11 AM | SENT |

CAUSE NO. DC-22-05235**JERRY HARPER,****Plaintiff,****v.****IRVING CLUB ACQUISITION CORP.
D/B/A LAS COLINAS COUNTRY
CLUB AND CLUBCORP, INC.,****Defendants.**§
§
§
§
§
§
§
§
§
§**IN THE DISTRICT COURT****95th JUDICIAL DISTRICT****DALLAS COUNTY, TEXAS****DEFENDANT CLUBCORP, INC.'S ORIGINAL ANSWER**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, Defendant **CLUBCORP, INC.** and files this its Original Answer, and for same would respectfully show unto the Court as follows:

**I.
ORIGINAL ANSWER**

Defendant denies each and every, all and singular, the material allegations contained within Plaintiff's pleadings and demands strict proof thereof.

**II.
JURY DEMAND**

In accordance with Rule 216 of the Texas Rules of Civil Procedure, Defendant demands a trial by jury.

WHEREFORE, PREMISES CONSIDERED, Defendant prays that the Plaintiff take nothing by this suit, that Defendant go hence with its costs without delay, and for such other and further relief, both general and special, at law and in equity, to which Defendant may show itself justly entitled.

Respectfully submitted,

MUNSCH HARDT KOPF & HARR, P.C.

/s/ William M. Toles

WILLIAM M. TOLES

State Bar No. 00798550

wtoles@munsch.com

PETER C. HOGUE

State Bar No. 24096933

phogue@munsch.com

500 N. Akard, Suite 3800

Dallas, Texas 75201

214-855-7500

214-855-7584 (Fax)

**ATTORNEYS FOR DEFENDANT
CLUBCORP, INC.**

CERTIFICATE OF SERVICE

THIS WILL CERTIFY that a true and correct copy of the foregoing instrument has been mailed, e-served, telecopied or hand delivered to all attorneys of record in this cause of action on June 27, 2022.

Via eService

Todd Clement

Ragan N. Speer

Clement + Speer

17855 Dallas Parkway, Suite 155

Dallas, Texas 75287

/s/ William M. Toles

WILLIAM M. TOLES

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Robbin Williams on behalf of William Toles
 Bar No. 798550
 RWilliams@munsch.com
 Envelope ID: 65784178
 Status as of 6/27/2022 9:13 AM CST

Associated Case Party: IRVING CLUB ACQUISITION CORP.

| Name | BarNumber | Email | TimestampSubmitted | Status |
|-----------------|-----------|----------------------|----------------------|--------|
| William MToles | | wtoles@munsch.com | 6/27/2022 9:04:43 AM | SENT |
| Peter CHogue | | phogue@munsch.com | 6/27/2022 9:04:43 AM | SENT |
| Robbin Williams | | rwilliams@munsch.com | 6/27/2022 9:04:43 AM | SENT |

Associated Case Party: JERRY HARPER

| Name | BarNumber | Email | TimestampSubmitted | Status |
|-----------------|-----------|------------------------|----------------------|--------|
| Todd Clement | | todd@clementspeer.com | 6/27/2022 9:04:43 AM | SENT |
| Ragan Speer | | ragan@clementspeer.com | 6/27/2022 9:04:43 AM | SENT |
| Essie Slaughter | | essie@clementspeer.com | 6/27/2022 9:04:43 AM | SENT |

CAUSE NO. DC-22-05235

| | | |
|--------------------------------------|---|-------------------------------|
| JERRY HARPER, | § | IN THE DISTRICT COURT |
| | § | |
| Plaintiff, | § | |
| | § | |
| v. | § | 95th JUDICIAL DISTRICT |
| | § | |
| IRVING CLUB ACQUISITION CORP. | § | |
| D/B/A LAS COLINAS COUNTRY | § | |
| CLUB AND CLUBCORP, INC., | § | |
| | § | |
| Defendants. | § | DALLAS COUNTY, TEXAS |

DEFENDANT IRVING CLUB ACQUISITION CORP.
D/B/A LAS COLINAS COUNTRY CLUB'S ORIGINAL ANSWER

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, Defendant **IRVING CLUB ACQUISITION CORP. D/B/A LAS COLINAS COUNTRY CLUB** and files this its Original Answer, and for same would respectfully show unto the Court as follows:

I.
ORIGINAL ANSWER

Defendant denies each and every, all and singular, the material allegations contained within Plaintiff's pleadings and demands strict proof thereof.

II.
JURY DEMAND

In accordance with Rule 216 of the Texas Rules of Civil Procedure, Defendant demands a trial by jury.

WHEREFORE, PREMISES CONSIDERED, Defendant prays that the Plaintiff take nothing by this suit, that Defendant go hence with its costs without delay, and for such other and further relief, both general and special, at law and in equity, to which Defendant may show itself justly entitled.

Respectfully submitted,

MUNSCH HARDT KOPF & HARR, P.C.

/s/ William M. Toles

WILLIAM M. TOLES

State Bar No. 00798550

wtoles@munsch.com

PETER C. HOGUE

State Bar No. 24096933

phogue@munsch.com

500 N. Akard, Suite 3800

Dallas, Texas 75201

214-855-7500

214-855-7584 (Fax)

**ATTORNEYS FOR DEFENDANT
IRVING CLUB ACQUISITION CORP.
D/B/A LAS COLINAS COUNTRY CLUB**

CERTIFICATE OF SERVICE

THIS WILL CERTIFY that a true and correct copy of the foregoing instrument has been mailed, e-served, telecopied or hand delivered to all attorneys of record in this cause of action on June 27, 2022.

Via eService

Todd Clement

Ragan N. Speer

Clement + Speer

17855 Dallas Parkway, Suite 155

Dallas, Texas 75287

/s/ William M. Toles

WILLIAM M. TOLES

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Robbin Williams on behalf of William Toles
 Bar No. 798550
 RWilliams@munsch.com
 Envelope ID: 65784051
 Status as of 6/27/2022 9:10 AM CST

Associated Case Party: JERRY HARPER

| Name | BarNumber | Email | TimestampSubmitted | Status |
|-----------------|-----------|------------------------|----------------------|--------|
| Todd Clement | | todd@clementspeer.com | 6/27/2022 9:02:31 AM | SENT |
| Ragan Speer | | ragan@clementspeer.com | 6/27/2022 9:02:31 AM | SENT |
| Essie Slaughter | | essie@clementspeer.com | 6/27/2022 9:02:31 AM | SENT |

Case Contacts

| Name | BarNumber | Email | TimestampSubmitted | Status |
|-----------------|-----------|----------------------|----------------------|--------|
| William MToles | | wtoles@munsch.com | 6/27/2022 9:02:31 AM | SENT |
| Peter CHogue | | phogue@munsch.com | 6/27/2022 9:02:31 AM | SENT |
| Robbin Williams | | rwilliams@munsch.com | 6/27/2022 9:02:31 AM | SENT |

CAUSE NO. DC-22-05235-D

JERRY HARPER,

Plaintiff(s),

vs.

IRVING CLUB ACQUISITION CORP. ,

et al,

Defendant(s).

IN THE DISTRICT COURT

95TH JUDICIAL DISTRICT

DALLAS COUNTY, TEXAS

UNIFORM SCHEDULING ORDER (LEVEL 3)

(Revd. Aug. 22, 2001; 95th District Court's 2019 non-standard provisions in **ALL CAPS BOLD**)

In accordance with Rules 166, 190 and 192 of the Texas Rules of Civil Procedure, the Court makes the following order to control the schedule of this cause.

1. This case will be ready and is set for **Non-Jury Trial on August 28, 2023, at 9:00 a.m. (the "Initial Trial Setting")**. Reset or continuance of the Initial Trial Setting will not alter any deadlines established in this Order or established by the Texas Rules of Civil Procedure unless otherwise provided by order. If not reached as set, the case may be carried to the next week.

Trial announcements must be made in accordance with rule 3.02 Local Rules of the Civil Courts of Dallas County Texas. When no announcement is made for defendant, defendant will be presumed ready. If plaintiff fails to announce or to appear at trial, the case will be dismissed for want of prosecution in accordance with Rule 165a, Texas Rules of Civil Procedure.

2. Pretrial matters will be complete by the following dates:

- a. amended pleadings asserting
new causes of action or defenses 120 days before the Initial Trial Setting
- b. fact discovery closes 105 days before the Initial Trial Setting
- c. party seeking affirmative relief
shall designate experts and
must provide reports 105 days before the Initial Trial Setting
- d. party opposing affirmative relief
shall designate experts and
must provide reports 90 days before the Initial Trial Setting
- e. party seeking affirmative relief
shall designation of rebuttal experts
and must provide reports 75 days before the Initial Trial Setting
- f. all expert discovery closes 45 days before the Initial Trial Setting
- g. other amended pleadings 45 days before the Initial Trial Setting

The parties may by written agreement alter these deadlines **EXCEPT SEE ADDENDUM BELOW**. Amended pleadings responsive to timely filed pleadings under this schedule may be filed after the deadline for amended pleadings if filed within two (2) weeks after the pleading to which

UNIFORM SCHEDULING ORDER (LEV. 3)

they respond. Except by agreement of the party, leave of court, or where expressly authorized by the Texas Rules of Civil Procedure, no party may obtain discovery of information subject to disclosure under Rule 194 by any other form of discovery.

3. Any objection or motion to exclude or limit expert testimony due to qualification of the expert or reliability of the opinions must be filed no later than seven (7) days after the close of expert discovery, or such objection is waived. Such motions must be **FILED AND** heard ***no later than thirty (30) days prior to trial (EMPHASIS ADDED)***. Any motion to compel responses to discovery (other than relating to factual matters arising after the end of fact discovery) must be filed no later than seven (7) days after the close of fact discovery or such complaint is waived, except for the sanction of exclusion under Rule 193.6

4. Motions for summary judgment or other dispositive motions must be **FILED AND** heard ***no later than thirty (30) days prior to trial (EMPHASIS ADDED)***.

5. Each side may have 75 hours of depositions and each party may have 50 interrogatories, subject to the conditions of Rule 190.3(b)(2) and (3).

6. No additional parties may be joined more than eight (8) months after the commencement of this case except on motion for leave showing good cause. This paragraph does not otherwise alter the requirements of Rule 38. The party joining an additional party shall serve a copy of this Order on the new party concurrently with the pleading joining that party.

7. The parties shall mediate this case no later than thirty (30) days before the Initial Trial Setting, unless otherwise provided by court order **WITH A MEDIATOR OF THE PARTIES' CHOICE**. Named parties shall be present during the entire mediation process and each corporate party must be represented by an executive officer or corporate representative with authority to negotiate a settlement. ~~Unless, within 14 days of the date of this Order, the parties file and bring to the attention of the Court Coordinator a Joint Notice of Agreed-Upon Substitute Mediator, the parties agree to mediate this case _____ whose phone number is _____.~~ **Any joint motion requesting appointment of a mediator should include a brief description of the nature of the dispute, and any novel legal, language, demographic, or other issues the parties desire to have the Court consider in appointing a mediator.** The provisions contained herein regarding mediation will be strictly enforced. Parties violating the requirements of this Order will be required to show cause as to why they are in violation of same.

8. Fourteen (14) days before the Initial Trial Setting, the parties shall exchange designations of deposition testimony to be offered in direct examination and a list of exhibits, including any demonstrative aids and affidavits, and shall exchange copies of any exhibits not previously produced in discovery; over-designation is strongly discouraged and may be sanctioned. Except for records to be offered by way of business record affidavits, each exhibit must be identified separately and not by category or group designation. Ten (10) days before the Initial Trial Setting, the parties shall exchange in writing their objections to the opposing party's proposed exhibits, including objections under Rule 193.7, and deposition testimony. **On or before ten (10) days before the Initial Trial Setting, the attorneys in charge for all parties shall meet in person to**

UNIFORM SCHEDULING ORDER (LEV. 3)

confer on stipulations regarding the materials to be submitted to the Court under this paragraph and attempt to maximize agreement on such matters. By 4 p.m. on the Thursday before the Initial Trial Setting, the parties shall file with the Court the materials stated in Rule 166(d)-(m), an estimate of the length of trial, designation of deposition testimony to be offered in direct examination, and any motions in limine. Failure to file such materials may result in dismissal for want of prosecution or other appropriate sanction. ~~A courtesy copy of each party's pre-trial materials shall be delivered to the Judge's Chambers by 4 p.m. the Thursday before the trial setting.~~ KARIN ALONZO, 95TH DISTRICT COURT ADMINISTRATOR, KALONZO@DALLASCOURTS.ORG WILL ADVISE WHAT TO PROVIDE THE COURT WHEN THE CASE IS CALLED TO TRIAL.

9. A pre-trial conference shall be conducted from 8 a.m. to 9 a.m. the morning of trial on all matters the parties could not resolve during their meet and confer. If, after the meet and confer between counsel, the parties anticipate more time will be needed for a pre-trial conference, a pre-trial conference shall be scheduled the week before the trial setting.

Plaintiff/Plaintiff's counsel shall serve a copy of this order on any currently named defendants and all parties answering after the date of this order.

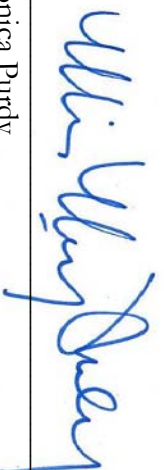
Addendum to Scheduling Order

Dispositive and Expert Motions Deadline. Notwithstanding any provision in this or any order to the contrary, the deadline to file and have heard dispositive motions or motions to strike expert witnesses based on qualifications or *Daubert/Robinson* is 30 days before trial. This deadline cannot be changed by agreement of the parties.

Change by Agreement. Other than the foregoing dispositive and expert motions deadline, the parties may agree to change other dates in the scheduling order. However, any lack of preparation for trial resulting from back-loading the deadlines close to the trial date shall not be grounds for continuance.

Certain Deadlines Rollover. In the event this case is reset or continued, the new trial date is the date from which the dispositive and expert motions deadline shall be calculate as well as deadlines pertaining to exchanging trial materials (e.g., exhibit lists, exhibits, witness lists, deposition excerpts, motions in limine, proposed charges, etc.).

SO ORDERED this 3rd day of July, 2022.



Monica Purdy
Judge, 95th District Court



MONICA PURDY
95TH DISTRICT COURT
GEORGE L. ALLEN, SR. COURTS BUILDING
600 COMMERCE STREET, 6TH FLOOR
DALLAS, TEXAS 75202-4604
(214) 653-6361

7/4/2022

TODD CLEMENT
THE CLEMENT FIRM
17855 DALLAS PKWY SUITE 155
DALLAS TX 75287

WILLIAM M. TOLES
MUNSCH HARDT KOPF & HARR PC
500 N AKARD ST., STE 3800
DALLAS TX 75201

Re: Cause No. DC-22-05235; JERRY HARPER v. IRVING CLUB ACQUISITION CORP., et al.

TRIAL IS SET ON THE COURT'S TWO-WEEK DOCKET, AS FOLLOWS:

NON-JURY TRIAL: 08/28/2023 at 9:00 AM


TRIAL ANNOUNCEMENTS MUST BE MADE IN ACCORDANCE WITH RULE 3.02, LOCAL RULES OF THE CIVIL COURT OF DALLAS COUNTY, TEXAS.

WHEN NO ANNOUNCEMENT IS MADE FOR DEFENDANT, DEFENDANT WILL BE PRESUMED READY. IF PLAINTIFF FAILS TO ANNOUNCE OR TO APPEAR AT TRIAL, THE CASE WILL BE DISMISSED FOR WANT OF PROSECUTION IN ACCORDANCE WITH RULE 165a, TEXAS RULES OF CIVIL PROCEDURE.

COMPLETION OF DISCOVERY, PRESENTATION OF PRETRIAL MOTIONS AND OTHER MATTERS RELATING TO PREPARATION FOR TRIAL ARE GOVERNED BY THE TEXAS RULES OF CIVIL PROCEDURE.

PLEASE FORWARD A COPY OF THIS NOTICE TO COUNSEL OF RECORD FOR EACH PARTY AND ALL PRO SE PARTIES BY A METHOD APPROVED IN TEXAS RULES OF CIVIL PROCEDURE 21a.

SINCERELY,



MONICA PURDY
JUDGE, 95TH DISTRICT COURT

EXHIBIT

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exhibitster.com